

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2220/P1dn
MDK:cjs:nwn

April 6, 2007

Sen. Plale:

This draft is based on the proposal prepared by the Wisconsin State Telecommunications Association (WSTA proposal). Note that I made some changes to the WSTA proposal. Please also note the following:

1. In the amendment of s. 196.02 (1), I refer to the statutes, because other statutes in addition to ch. 196 impose duties on the PSC.
2. Proposed s. 196.04 (4) (d) in the WSTA proposal states: "The information ... shall be considered a confidential trade secret under s. 196.14 and may be provided on a confidential basis." Instead of using that language, the draft provides instead that the PSC shall withhold the information from public inspection. I made this change because s. 196.14 does not use the term "trade secret". In addition, s. 196.14 allows, but does not require, the PSC to withhold certain information from public inspection. Also, the WSTA proposal first states that the information "shall" be considered confidential, but subsequently states that it "may" be provided confidentially. I assume that you want to require the PSC to do so. Please let me know whether my language is okay.
3. The WSTA proposal includes the following language in the proposed amendment of s. 196.07 (1): "Information provided by a telecommunications utility or alternative telecommunications utility shall be granted provisional confidential treatment without the necessity of filing a request under § PSC 2.12." I did not include that language because I don't know what result it is intended to achieve. What does "provisional confidential treatment" mean? That term is not used in the cited PSC rule. Also, because the PSC might subsequently change its rules, you may want to consider how to achieve your intent without citing to a specific PSC rule.
4. Note that s. 196.215 (5) (d) 1. and (7) (c) impose duties on the PSC based on the information filed under s. 196.07. Will the amendment of s. 196.07 (1) hamper the ability of the PSC to fulfill those duties? If so, should s. 196.215 (5) (d) 1. and (7) (c) be amended?
5. Are the titles for s. 196.195 and 195.195 (1m) okay?
6. The WSTA proposal defines the term, "basic single-party residential service," but uses the term, "basic service." Therefore, I defined the term, "basic service," and did

not use the term, “basic single-party residential service.” Also, note that I referred to “telecommunications service,” rather than “service,” in the definition. If you want to use the term “basic single-party residential service,” can you explain the significance “single-party residential”?

7. The definition of “nonbasic service” in the WSTA proposal seems confusing. I made changes to the definition, but I’m still not certain of its meaning and I think we should discuss this issue further.

8. As I drafted the bill, there is no need to define “electing telecommunications utility” or “transition period.” Note also that I moved the definitions from s. 196.01 to s. 196.195 (1m) (a).

9. Note that in proposed s. 196.195 (1m) (b) 1., I refer to s. 196.194, and not to the tariffing requirements of s. 196.194. Why does the WSTA proposal refer only to the tariffing requirements?

10. Proposed s. 196.195 (1m) (d) should be revised to specify the types of orders and rules of the PSC that are superseded. In addition, you might want to specify the statutes under which a telecommunications utility has made a prior election of regulation. Also, what legal consequence are you trying to achieve by stating that an order or rule is “superceded”? You may need to add language that elaborates your meaning.

11. Why is proposed s. 196.195 (1m) (e) necessary? Also, if a telecommunications utility files a notice under the bill, why would the telecommunications utility want to maintain a tariff or price list with the PSC?

12. What is the purpose of the notice required in proposed s. 196.195 (1m) (f)? What are the consequences if the person fails to provide the notice? Do you want to prohibit the person from providing local exchange service if the person does not provide the notice? If so, perhaps s. 196.50 (1) (b) 2. should be revised.

13. Note that the deadline in proposed s. 196.195 (1m) (f) is blank. Please specify the number of days that you want for the deadline.

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